

Message Text

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11-L
ACTION ARA-10

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00 INR-07

NSAE-00 ACDA-07 SAM-01 IGA-02 H-02 L-03 OMB-01 TRSE-00

AID-05 /065 W
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R 231650Z APR 76
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 5171
INFO JCS WASHDC
USCINCSO QUARRY HTS CZ
CSA WASHDC
CNO/WASHDC
CSAF WASHDC
CHAIRMAN USDEL JBUSMC RIO DE JANEIRO BRAZIL

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 3455

FROM AMBASSADOR CRIMMINS

E. O. 11652: GDS
TAGS: MOR, BR
SUBJECT: AMBASSADOR'S COMMENTS ON TERMS OF REFERENCE FOR USDEL
JBUSMC/USSAG UNDER PL 94-11

REFS: (A) USDEL JBUSMC 05 1828Z MAR 76 NOTAL
(B) USDEL JBUSMC 08 2137Z APR 76 NOTAL
(C) USDEL JBUSMC 14 1741Z APR 76 NOTAL
(D) USDEL JBUSMC 13 2102Z APR 76
(E) USDEL JBUSMC 13 2104Z APR 76

1. I HAVE GONE OVER THE THREE MESSAGES OF GENERAL SPRAGINS
(REFTELS A, B, AND C) CAREFULLY. HE AND I HAVE DISCUSSED THE
VERY DIFFICULT SUBJECT MATTER EXTENSIVELY.

2. I DO NOT CONCUR IN THOSE THREE MESSAGES. I CONSIDER IT
IMPORTANT, HOWEVER, THAT THE ADDRESSEES HAVE THE BENEFIT OF
GENERAL SPRAGINS' UNVARNISHED OPINIONS, WHICH REPRESENT THE
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THINKING OF A CONSCIENTIOUS AND EXPERIENCED OFFICER WITH WHOM

RESPONSIBILITY FOR ATTEMPTING TO EXECUTE PL 94-11 FAITHFULLY RESTS IN THE FIRST INSTANCE.

3. AS THE OFFICER OF THE USG RESPONSIBLE IN THE FINAL INSTANCE FOR THE CONDUCT OF ALL USG BUSINESS IN BRAZIL AND FOR THE ADMINISTRATION OF RELEVANT LEGISLATION, I WITHHOLD MY CONCURRENCE FOR THE FOLLOWING REASONS.

4. ON THE LEVEL OF FUNDAMENTALS, THERE ARE SEVERAL CONFLICTING CONSIDERATIONS THAT ALL OF US MUST TAKE INTO ACCOUNT AND SEEK AN ACCOMMODATION OF:

(A) FIRST, IT IS IMPORTANT TO OUR INTERESTS IN BRAZIL THAT JBUSMC CONTINUE TO BE THE INSTRUMENT OF US-BRAZILIAN MILITARY COOPERATION OR, AT THE MINIMUM, THAT IT NOT BE THE USG WHICH DOWNGRADES IT. (FROM TIME TO TIME, THERE HAVE BEEN INDICATIONS OF GOB RE-EVALUATION OF THE WORTH OF JBUSMC TO IT, BUT AT PRESENT IT APPEARS QUITE CLEAR THAT THE GOB IS PREPARED TO SEE JBUSMC CONTINUE. IN ANY CASE, ANY INITIATIVE TO DOWNGRADE OR DIS-ESTABLISH JBUSMC SHOULD COME FROM THE BRAZILIAN SIDE.)

(B) SECOND, IT IS IMPORTANT AS A COROLLARY THAT USG REPRESENTATION ON JBUSMC BE RETAINED AT THE GENERAL OFFICER LEVEL.

(C) THE THIRD BASIC CONSIDERATION IS THAT IT IS INCUMBENT UPON ALL OF US TO EXECUTE FAITHFULLY THE LAWS OF THE UNITED STATES (IN THE INSTANT CASE, PL 94-11) AND TO SUBORDINATE OUR OWN DESIRES AND OPTIMUM OPERATIONS TO THE REQUIREMENTS OF THE LAW. THIS NECESSITY, UNCOMFORTABLE AND DIFFICULT AS IT OFTEN IS, IS A CONSTANT IN ALL ACTIVITIES OF ALL COMPONENTS OF THE USG IN THE FOREIGN AFFAIRS FIELD. THE EXAMPLES ARE LEGION.

(D) THE FOURTH FUNDAMENTAL FACTOR IS THE APPARENT INEVITABILITY (STATE 054881) OF THE PHASING-OUT OF MILGP-TYPE ORGANIZATIONS, AS WE KNOW THEM, IN THE FAIRLY NEAR FUTURE. WE MUST OBVIOUSLY PREPARE FOR THAT PROSPECT, INASMUCH AS THE PL 94-11 PROBLEM WE ARE WRESTLING WITH WILL BE GREATLY AGGRAVATED DOWN THE LINE IF MEASURES ARE CONFIDENTIAL

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NOT TAKEN NOW.

(E) A FIFTH UNDERLYING CONCERN, THEREFORE, IS TO GUARD AGAINST TOO CLOSE INVOLVEMENT OF USDEL JBUSMC IN SA AFFAIRS NOT ONLY TO AVOID VIOLATION OF PL 94-11 BUT, JUST AS IMPORTANT IN THE MIDDLE TERM, TO KEEP IT AS NEARLY INVULNERABLE AS POSSIBLE TO EVENTUAL ELIMINATION AS AN SA ENTITY.

5. THE ACCOMMODATION OF THESE CONFLICTING OBJECTIVES, CONCERNS AND CONSTRAINTS IS DIFFICULT AND PAINFUL, BUT IT HAS TO BE MADE. THE OBVIOUS QUESTION IS: HOW? THE RECOMMENDATIONS THAT GENERAL SPRAGINS MAKES IN HIS MESSAGES CONSTITUTE A CONSIDERED EFFORT TO ADDRESS THIS QUESTION. I HAVE DIFFICULTIES WITH HIS PRESENTATIONS ON SEVERAL COUNTS, THE FIRST AND MOST GENERAL ONE BEING THAT, BECAUSE OF HIS OBVIOUSLY STRONG FEELINGS, HE, IN MY OPINION, TENDED TO OVERDRAW OR OVERSIMPLIFY OR DRAMATIZE THE SITUATION IN SOME RESPECTS AND TO CHARACTERIZE AS "IMPOSSIBLE" WHAT IS MORE PROBABLY "UNDESIRABLE" AND "VERY DIFFICULT." ON THIS POINT, I HAVE A PARTICULAR PROBLEM WITH HIS DISMISSAL OF "THE TRANSMISSION BELT" ROLE FOR THE USDEL GENERAL OFFICERS (PARA 8(A) OF REF B OR 5(C) OF REF. C). I BELIEVE THAT, BECAUSE OF HIS OPPOSITION TO THE CONCEPT, HE HAS CAST IT IN ESSENTIALLY PREJUDICIAL TERMS. FOR EXAMPLE, THE CARDINAL PURPOSE OF THE RETENTION OF GENERAL OFFICERS ON USDEL FOR ME IS TO DEMONSTRATE BY THEIR PRESENCE OUR CONTINUING INTEREST IN JBUSMC AND TO CARRY OUT THEIR NON-SA RESPONSIBILITIES (WHICH SHOULD BE EXPANDED). THE LANGUAGE OF PARA 8(A)(1) OF REF B OR 5(C) OR REF C IS "STRAWMAN" IN CHARACTER AND AN OVER-INTERPRETATION OF THE RESTRICTIONS INTENDED BY THE TOR ON GENERAL OFFICER INVOLVEMENT IN MILITARY ASSISTANCE MATTERS. SCHEMATICALLY, THE BASIC IDEA OF THE "TRANSMISSION BELT" IS TO HAVE THE GENERAL OFFICERS RECEIVE FROM THEIR BRAZILIAN COUNTER-PARTS INQUIRIES, REQUESTS, ETC. CONCERNING SA, TRANSMIT THEM TO THE USSAG (MILGP) FOR ACTION, AND REPORT TO THE BRAZILIAN COUNTERPARTS THE RESULTS. IN THIS CAPACITY, THE GENERAL OFFICERS WOULD BE "PARTICIPATING" IN SA MATTERS, BUT THEY WOULD NOT BE MAKING THE DECISIONS AND PROVIDING

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ACTION ARA-10

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 H-02

CIAE-00 INR-07 NSAE-00 ACDA-07 SAM-01 IGA-02 OMB-01

TRSE-00 AID-05 /065 W

----- 092037

R 231650Z APR 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 5172
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CHAIRMAN USDEL JBUSMC RIO DE JANEIRO BRAZIL

C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 3455

FROM AMBASSADOR CRIMMINS

GUIDANCE AS THEY DO NOW--ALMOST CERTAINLY ILLEGALLY. OBVIOUSLY, I WOULD WANT TO INTRODUCE AS LARGE A ROLE FOR THE GENERAL OFFICERS WITHIN THE "TRANSMISSION BELT" OPERATION AS POSSIBLE, AND I BELIEVE A ROLE THAT IS BOTH SIGNIFICANT AND PERSONALLY SATISFYING IS NOT IMPOSSIBLE. I DO NOT SHARE, MOREOVER, GENERAL SPRAGINS' RESERVATIONS ABOUT THE COMPETENCE OF THE OFFICERS IN USSAG (MILGP) (8(A)(2) AND 8(A)(3) OF REF B OR 5(B) OF REF C). AFTER ALL, THE USG HAS MILGP'S AROUND THE WORLD HEADED BY OFFICERS OF LESS THAN GENERAL/ FLAG RANK WHICH DO A RESPONSIBLE AND RESPECTABLE JOB. IN ADDITION, FULL FIDELITY TO PL 94-11 WOULD PROBABLY MEAN THAT USSAG WOULD BE MORE DIRECTLY UNDER MY (EMBASSY) GUIDANCE, WITH USDEL JBUSMC AS A SEPARATE ENTITY. THIS, USSAG WOULD NOT BE WITHOUT BROAD DIRECTION AND COUNSEL. (THIS POSSIBILITY RIASES AN INTERESTING QUESTION: WOULD IT BE CONSISTENT WITH PL 94-11 FOR ME AS AMBASSADOR TO CONSULT GENERAL SPRIGINS AS SENIOR DOD REPRESENTATIVE IN COUNTRY (EXCEPT FOR ATTACHE MATTERS) ON MATTERS BEING HANDLED BY USSAG, THIS GIVING HIM CONFIDENTIAL

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INDIRECTLY AND IN A CAPACITY DIFFERENT FROM THAT OF CHMN USDEL AN OPPORTUNITY FOR THE INPUTS HE IS CONCERNED ABOUT?)

6. I UNDERSTAND GENERAL SPRAGINS' PERSONAL CONCERNS IN 8(A)(3) OF REF B OR 5(C) OF REC C ABOUT THE AWKWARDNESS OF HIS ROLE AND THAT OF THE OTHER GENERAL OFFICERS IN THE "TRANSMISSION BELT" MODE. I DO NOT LIKE IT EITHER; AT LEAST AT THE START, IT WOULD BE CUMBERSOME, UNNATURAL, BURDENSOME TO ALL CONCERNED, INCLUDING ME, AND TO SOME DEGREE DISTURBING TO THE BRAZILIANS. IT MAY WELL BE, HOWEVER, THE ONLY VIABLE RESORT IF WE ARE TO BE WITHIN THE LAW AND IF WE ARE TO PROTECT USDEL JBUSMC FROM FUTURE EXTINCTION OR MUTILATION BECAUSE OF ITS PRIMARY EXERCISE OF SA FUNCTIONS.

7. THIS BRINGS ME TO A BRIEF REFERNCE TO ALTERNATIVES:

(A) THE IDEAL SHORT-TERM ALTERNATIVE, AS GENERAL SPRIGINS HAS NOTED, WOULD BE TO INCLUDE THE THREE GENERAL OFFICERS IN BRAZIL IN THE GLOBAL TOTAL OF TWENTY, THUS NECESSITATING

THE ELIMINATIO OF THREE IN OTHER PARTS OF THE WORLD. A GOOD CASE COULD BE MADE FOR THIS INsofar AS BRAZIL IS CONCERNED, AND I AM PREPARED TO MAKE IT, BUT I DOUBT VERY MUCH THAT THIS APPROACH IS ACCEPTABLE TO WASHINGTON. MOREOVER, IT INCURS THE RISK OF MAKING USDEL VULNERABLE TO THE APPARENTLY INEVITABLE SHARP REDUCTIONS IN THE NEAR FUTURE IN SA ENTITIES.

(B) THE NEXT ALTERNATIVE IS DESCRIBED IN GENERAL SPRAGINS' PARA 8(B) OF REF B AND 7(F) OF REC C. I DO NOT CONSIDER THE ADVISORY ROLE FOR THE AIR FORCE AND NAVY GENERAL/FLAG OFFICERS TO BE CONSISTENT WITH PL 94-11--A CONCERN WHICH GENERAL SPRAGINS ALSO RECOGNIZES. MOREOVER, THE VULNERABILITY FACTOR IS UNMISTAKABLY PRESENT HERE ALSO.

(C) THE THIRD ALTERNATIVE (SET OUT IN PARA 8(C) OF REF B) AND FOURTH ALTERNATIVE (PARA 8(D) OF REC B) ARE CLEARLY NOT VIABLE FOR THE REASONS CITED BY GENERAL SPRAGINS.

8. THUS, WE ARE FORCED BACK, IN MY VIEW, TO THE "TRANSMISSION BELT" CONCEPT OR SOMETHING VERY MUCH LIKE IT AS AT LEAST THE PARTIAL BASIS FOR FUTURE OPERATIONS. THERE CAN BE NO QUESTION BUT THAT SUCH A CONCEPT INVOLVES COSTS FOR US AND FOR OUR CONFIDENTIAL

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RELATIONS BUT I BELIEVE, MORE THAN GENERAL SPRAGINS DOES APPARENTLY, THAT WITH ADAPTABILITY AND WILLINGNESS TO INNOVATE THE COSTS CAN BE MADE TOLERABLE. AND THE SIMPLE FACT IS THAT THE COSTS OF THE ALTERNATIVES WOULD BE CONSIDERABLY HIGHER.

9. THERE ARE SOME OTHER RELATIVELY SECONDARY POINTS IN GENERAL SPRAGINS' MESSAGES THAT I DO NOT AGREE WITH. FOR EXAMPLE, I DO NOT SEE WHY THE ESTABLISHMENT OF SAG, AN INTERNAL USG ORGANIZATION, WOULD NECESSARILY INVOLVE GOVERNMENT-TO-GOVERNMENT "NEGOTIATIONS" (PARA 7(E) OF REF B). NEITHER DO I ACCEPT THE SANCTITY OR IMMUTABILITY OF THE CURRENT SIZE OF USDEL JBUSMC (PARA 7(I) OF REF B) IN FUTURE CIRCUMSTANCES. WHILE THE DRAFT TOR IS NOT ENTIRELY FREE OF AMBIGUITY--AS NEITHER IS PL 94-11--I DO NOT ACCEPT THE JUDGMENT THAT IT IS INTERNALY CONTRADICTORY (PARA 3(D) OF REF C) IN LIMNING THE AUTHORITY OF GENERAL OFFICERS IN MILITARY ASSISTANCE.

10. WITH REGARD TO GENERAL SPRAGINS' RECOMMENDATIONS IN PARAS 7 AND 8 OF REF C, AS STATED ABOVE, I CANNOT SUPPORT THE PROPOSAL TO REDUCE TWO OF THE THREE GENERAL OFFICERS TO PURELY ADVISORY ROLES. I SUPPORT WITHOUT HESITATION, HOWFHER, HIS RECOMMENDATIONS THAT CONGRESS BE CONSULTED--BY THE DEPARTMENT OF STATE AND DEFENSE--ON OUR PROPOSALS FOR COMPLYING WITH

PL 94-11, THAT ANOTHER EVALUATION BE MADE OF OPERATIONS UNDER PL 94-11, AND THAT USDEL'S BRAZILIAN COUNTERPARTS BE APPRISED INFORMALLY OF THE PROBLEM PRESENTED BY PL 94-11.

11. DURING GENERAL MCAULIFFE'S RECENT VISIT HERE, HE, GENERAL SPRAGINS AND I HAD A SERIES OF DISCUSSIONS ON THE COMPLEX QUESTIONS OF HOW TO ORGANIZE USDEL AND USSAG, STAFF THEM, AND DIVIDE RESPONSIBILITIES AMONG THEM IN THE LIGHT OF THE NEW DRAFT TERMS OF REFERENCE. I CONSIDER THAT REFERENCE D, WHICH WAS PREPARED BY GENERAL MCAULIFFE AND GENERAL SPRAGINS, A CONSCIENTIOUS EFFORT TO ASSURE THE FAITHFUL EXECUTION OF THE DRAFT TERMS OF REFERENCE. REF. E IS A CLARIFICATION OF REF D THAT I REQUESTED PERSONALLY TO GAIN A MORE COMPLETE IDEA OF WHAT WOULD BE THE ROLE OF THE GENERAL/FLAG OFFICERS IN PRACTICAL TERMS UNDER THE PROPOSED NEW ARRANGEMENT. NOTWITHSTANDING THE MISGIVINGS ABOUT THIS APPROACH SUBSEQUENTLY EXPRESSED
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BY GENERAL SPRAGINS IN REF C, I CONTINUE TO CONSIDER THAT AT THE VERY LEAST IT DESERVES CAREFUL CONSIDERATION IN STATE AND DEFENSE. SUBJECT TO FURTHER STATE-DOD EXAMINATION OF THE PRESENT DRAFT TOR, I WOULD BE PREPARED TO CONCUR IN THE ORGANIZATIONAL ARRANGEMENTS SET FORTH IN REFERENCES D AND E, BELIEVING THEM TO COMPLY ADEQUATELY WITH THE DRAFT TERMS OF REFERENCE AS WE NOW HAVE THEM. TO THE EXTENT THAT THE FLEXIBILITY INHERENT IN THAT APPROACH MIGHT DEPART FROM 100 PERCENT PURITY,--AND I RECOGNIZE THAT THE VERY IDEA OF GENERAL OFFICER INVOLVEMENT EVEN AS "TRANSMISSION BELTS" MAY CONFLICT WITH THE STRICTEST INTERPRETATION OF THE LAW--IT WOULD SEEM TO ME RESPONSIBLE AND PRUDENT FOR THE DEPARTMENT AND THE DOD TO DISCUSS THE SITUATION, INCLUDING THESE PROPOSED ORGANIZATIONAL ARRANGEMENTS, WITH APPROPRIATE ELEMENTS OF CONGRESS TO GAIN UNDERSTANDING FOR WHAT MAY BE SEEN AS DEVIATIONS.

12. FINALLY, ON A SIDE BUT VERY IMPORTANT POINT, I WISH TO REMIND ALL CONCERNED THAT THE AUTHORITY OF THE CHMN USDEL JBUSMC CITED IN REF C, PARA 3(A) DOES NOT REPEAT NOT EXTEND TO MATTERS WITHIN THE PROVINCE OF THE ATTACHES.
JOHNSON

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